

# Minutes

## Planning Committee

26th March 2019



### Present

Councillors	Present	Councillors	Present
K Bowers	Yes	Lady Newton	Yes
Mrs L Bowers-Flint	Yes	Mrs I Parker	Yes
T Cunningham	Yes	F Ricci	Yes (from 7.24pm)
P Horner	Yes	Mrs W Scattergood (Chairman)	Yes
H Johnson	Apologies	Mrs G Spray	Yes
S Kirby	Yes	Vacancy	
D Mann	Yes		

### 131 **DECLARATIONS OF INTEREST**

**INFORMATION:** The following interests were declared:-

On behalf of Members of the Committee, Councillor Mrs W Scattergood, the Chairman of the Planning Committee, declared a joint non-pecuniary interest in Application No. 18/02221/FUL - 33 Clockhouse Way, Braintree as the agent Mr John Baugh was an Elected Member of Braintree District Council and he was known to them.

Councillor S Kirby declared a non-pecuniary interest in Application No. 18/02118/FUL – Land West of The Old Coach House, Silver Street, Wethersfield as he had visited the site previously and he had met an objector. Councillor Kirby stated that he had not made any comment, or judgement about the application.

Councillor F Ricci declared a non-pecuniary interest in Application No. 18/00279/OUT - Shardlowes Farm, Hedingham Road, Gosfield as he had been employed on a casual basis in the past by Tuttons Timber and the landowners were known to him.

In accordance with the Code of Conduct, Councillors remained in the meeting, unless stated otherwise, and took part in the discussion when the applications were considered.

132 **MINUTES**

**INFORMATION:** It was reported that the Minutes of the meeting of the Planning Committee held on 19th March 2019 were not available and it was agreed that they should be deferred to the next meeting for approval.

133 **QUESTION TIME**

**INFORMATION:** There were seven statements made about the following matters. Those people who had registered to speak about a planning application spoke immediately prior to the consideration of the application:-

Application No. 18/01853/OUT - Land South of Nounsley Road, Hatfield Peverel

Application No. 18/02118/FUL - Land West of The Old Coach House, Silver Street, Wethersfield

Application No. 18/02322/FUL - 12 Mount Road, Coggeshall

Principally, these Minutes record decisions taken only and, where appropriate, the reasons for the decisions.

134 **PLANNING APPLICATION WITHDRAWN**

**INFORMATION:** The Committee was advised that the undermentioned planning application had been withdrawn from the Agenda to enable the Council to consider issues raised by the applicant. The application would be considered at a future meeting of the Committee. Details of this planning application are contained in the Register of Planning Applications.

<b><u>Plan No.</u></b>	<b><u>Location</u></b>	<b><u>Applicant(s)</u></b>	<b><u>Proposed Development</u></b>
*18/00371/REM (WITHDRAWN)	Earls Colne	CALA Homes (North Home Counties) Ltd	Application for approval of Reserved Matters (appearance, landscaping, layout and scale) following the grant of outline planning permission ref: 17/00140/VAR with S106 on 8th May 2017 for the construction of 56 dwellings and associated open space, landscaping, new access road, highway improvements and associated development, land North East of Station Road.

## 135 **PLANNING APPLICATIONS APPROVED**

**DECISION:** That the undermentioned planning applications be approved under the Town and Country Planning Act 1990, including Listed Building Consent where appropriate, subject to the conditions and reasons contained in the Planning Development Manager's report. Details of these planning applications are contained in the Register of Planning Applications.

<b><u>Plan No.</u></b>	<b><u>Location</u></b>	<b><u>Applicant(s)</u></b>	<b><u>Proposed Development</u></b>
*18/02221/FUL (APPROVED) (Review)	Braintree	Mr Manu Patel RSK Properties	Conversion of semi-detached dwellinghouse to form 1 x 2 bedroom flat and 1 x 1 bedroom flat, together with the erection of a single-storey rear extension, 33 Clockhouse Way.

It was reported that this planning application had been approved by the Planning Committee on 19th February 2019. The Agenda report for that meeting stated that, based on the 2018 Annual Monitoring Report, the Council could demonstrate a Housing Land Supply of 6.00 years. However, Officers reported verbally at the meeting that there had been a material change to the Council's 5 Year Housing Land Supply position since the publication of the Agenda. This related to the Government's response to consultation on National Planning Policy and Guidance, which required 2014 based household projections to be used to calculate the Housing Land Supply in accordance with the Government's Standard Methodology. This meant that the Council's 5 Year Housing Land Supply position had decreased from 6.00 years to 4.74 years. The Committee's decision on the application had been made on the basis that the Council could not demonstrate a 5 Year Housing Land Supply and that the presumption contained in paragraph 11 of the National Planning Policy Framework was engaged.

However, it was reported that there had been a further material change in circumstances, which related to the Government's publication of the 2018 Housing Delivery Test results. This meant that the Council's recalculated 5 Year Housing Land Supply was 5.42 years, as at 31st March 2018. In the circumstances, it was considered prudent for the Planning Committee to review its decision on application no. 18/02221/FUL.

The Committee approved this application, subject to the following Approved Plans and Conditions:-

### Approved Plans

Location Plan

Site Plan Plan Ref: 0708/31

Elevations Plan Ref: 0708/33

Proposed Floor Plan Plan Ref: 0708/34

### Conditions

1. The development hereby permitted shall begin not later than three years from the date of this decision.
2. The development hereby permitted shall be carried out in accordance with the approved plans listed above.
3. The external materials and finishes shall be as indicated on the approved plans.
4. Prior to the first occupation of the dwellings hereby permitted, the car parking provision shall be provided in accordance with the approved plans and thereafter shall be retained as such.
5. Prior to the first occupation of the development hereby permitted, detailed drawings of the bin store enclosure, including materials of construction, shall be submitted to and approved in writing by the Local Planning Authority. The development shall be implemented in accordance with the approved details prior to the first occupation and shall thereafter be retained as such.
6. Prior to the first occupation of the development hereby approved, a full hard surfacing materials schedule and soft planting schedule shall be submitted to and approved in writing by the Local Planning Authority and thereafter shall be fully implemented in accordance with the approved details prior to the first occupation.

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<b><u>Plan No.</u></b>	<b><u>Location</u></b>	<b><u>Applicant(s)</u></b>	<b><u>Proposed Development</u></b>
*18/02322/FUL (APPROVED)	Coggeshall	Mrs Clare Iona Linney Bailey	Single-storey side and rear extension, and conversion of existing garage to habitable accommodation, 12 Mount Road.

Councillor Geoffrey Heaton, representing Coggeshall Parish Council, attended the meeting and spoke against this application.

## 136 **PLANNING APPLICATIONS REFUSED**

**DECISION:** That the undermentioned planning applications be refused for the reasons contained in the Planning Development Manager's report. Details of these planning applications are contained in the Register of Planning Applications.

<b><u>Plan No.</u></b>	<b><u>Location</u></b>	<b><u>Applicant(s)</u></b>	<b><u>Proposed Development</u></b>
*18/00279/OUT (REFUSED) (Review)	Gosfield	Stockplace Investments Limited Mr Paul Denney, The Tutton Family, Susan Stevens and L & D Minton	Outline planning application with all matters reserved except access, for the demolition of commercial buildings, erection of up to 135 dwellings including 54 affordable dwellings, Shardlowes Farm, Hedingham Road.

It was reported that this planning application had been refused by the Planning Committee on 19th February 2019. The Agenda report for that meeting stated that, based on the 2018 Annual Monitoring Report, the Council could demonstrate a Housing Land Supply of 6.00 years. However, Officers reported verbally at the meeting that there had been a material change to the Council's 5 Year Housing Land Supply position since the publication of the Agenda. This related to the Government's response to consultation on National Planning Policy and Guidance, which required 2014 based household projections to be used to calculate the Housing Land Supply in accordance with the Government's Standard Methodology. This meant that the Council's 5 Year Housing Land Supply position had decreased from 6.00 years to 4.74 years. The Committee's decision on the application had been made on the basis that the Council could not demonstrate a 5 Year Housing Land Supply and that the presumption contained in paragraph 11 of the National Planning Policy Framework was engaged.

However, it was reported that there had been a further material change in circumstances, which related to the Government's publication of the 2018 Housing Delivery Test results. This meant that the Council's recalculated 5 Year Housing Land Supply was 5.42 years, as at 31st March 2018. In the circumstances, it was considered prudent for the Planning Committee to review its decision on application no. 18/00279/OUT.

The Committee refused this application for the following Reasons:-

### **Reasons for Refusal**

1. The site is located in the countryside, outside any defined village envelope as identified in the adopted Local Plan Review and adopted Core Strategy. The

site is disconnected from the village centre facilities which would limit walking, or cycling and would place reliance on travel by car. The scale of the development is out of context and at odds with the existing settlement and would result in harm to the landscape approach of the village and the wider rural character and appearance of the locality. The development is thereby contrary to the provisions of the National Planning Policy Framework; Policies RLP2, RLP9, RLP80 and RLP90 of the Braintree District Local Plan Review (2005); Policies CS5 and CS7 of the Braintree District Core Strategy (2011); and Policies SP1, LPP1, LPP55 and LPP71 of the Braintree District Publication Draft Local Plan (2017).

2. The development would result in harm to the setting of a designated heritage asset contrary to the provisions of the National Planning Policy Framework; Policies RLP90 and RLP100 of the Braintree District Local Plan Review (2005); Policy CS9 of the Braintree District Core Strategy (2011); and Policies LPP50, LPP55 and LPP60 of the Braintree District Publication Draft Local Plan (2017).
3. Insufficient information has been submitted to adequately demonstrate that flood risk matters are addressed, or that a suitable sustainable urban drainage system can be achieved. The proposal is thereby contrary to the provisions of the National Planning Policy Framework; Policy RLP69 of the Braintree District Local Plan Review (2005); Policy CS8 of the Braintree District Core Strategy (2011); and Policies LPP55, LPP78, LPP79 and LPP80 of the Braintree District Publication Draft Local Plan (2017).
4. Insufficient information has been submitted to adequately demonstrate that the development would not adversely impact upon protected species. The proposal is thereby contrary to the provisions of Policies RLP80 and RLP84 of the Braintree District Local Plan Review (2005); Policy CS8 of the Braintree District Core Strategy (2011); Policies LPP55, LPP68 and LPP71 of the Braintree District Publication Draft Local Plan (2017) and the National Planning Policy Framework.
5. Policy CS2 of the Braintree District Core Strategy states that affordable housing will be directly provided by the developer within housing schemes. Policies CS10 and CS11 of the Core Strategy and Policy RLP138 of the Local Plan Review require proposals for new residential development to provide, or contribute towards the cost of improvements to community facilities and infrastructure appropriate to the type and scale of development proposed. Braintree District Council has adopted an Open Space Supplementary Planning Document (SPD) which sets out the process and mechanisms for the delivery and improvement of open space in the Braintree District. These requirements would need to be secured through a Section 106 Agreement. In the absence of an obligation, the proposal would conflict with the Development Plan as regards:-
  - the provision of affordable housing

- a financial contribution towards the provision of early years and childcare facilities; primary school places; and transport to secondary school
- a financial contribution towards the provision of primary health care
- the provision, delivery and maintenance of Public Open Space within the application site
- a financial contribution towards the provision / improvement of outdoor sports facilities and allotments

As such the proposal is contrary to the above policies and adopted SPD.

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<b><u>Plan No.</u></b>	<b><u>Location</u></b>	<b><u>Applicant(s)</u></b>	<b><u>Proposed Development</u></b>
*18/01853/OUT (REFUSED) (Review)	Hatfield Peverel	Mr Arran Gordon Gordon (Homes) Ltd	Application for outline planning permission with all matters reserved - 10 dwellings with associated parking, garaging and community footpath, land South of Nounsley Road.

It was reported that this planning application had been refused by the Planning Committee on 19th February 2019. The Agenda report for that meeting stated that, based on the 2018 Annual Monitoring Report, the Council could demonstrate a Housing Land Supply of 6.00 years. However, Officers reported verbally at the meeting that there had been a material change to the Council's 5 Year Housing Land Supply position since the publication of the Agenda. This related to the Government's response to consultation on National Planning Policy and Guidance, which required 2014 based household projections to be used to calculate the Housing Land Supply in accordance with the Government's Standard Methodology. This meant that the Council's 5 Year Housing Land Supply position had decreased from 6.00 years to 4.74 years. The Committee's decision on the application had been made on the basis that the Council could not demonstrate a 5 Year Housing Land Supply and that the presumption contained in paragraph 11 of the National Planning Policy Framework was engaged.

However, it was reported that there had been a further material change in circumstances, which related to the Government's publication of the 2018 Housing Delivery Test results. This meant that the Council's recalculated 5 Year Housing Land Supply was 5.42 years, as at 31st March 2018. In the circumstances, it was considered prudent for the Planning Committee to review its decision on application no. 18/01853/OUT.

The Committee refused this application for the following Reasons:-

## Reasons for Refusal

1. The site is located in the countryside, outside any defined village envelope as identified in the Adopted Local Plan and Adopted Core Strategy. The site is in a location with limited access to facilities, amenities, public transport links and employment opportunities and would undoubtedly place reliance on travel by car and do little to enhance, or maintain the vitality of the area. In such circumstances, the adverse impacts of the development are considered to significantly and demonstrably outweigh the benefits arising from the development, contrary to the provisions of the National Planning Policy Framework; Policy RLP2 of the Braintree District Local Plan Review (2005); Policies CS5 and CS7 of the Braintree District Core Strategy (2011); and Policies SP1, LPP1 and LPP55 of the Braintree District Publication Draft Local Plan (2017).
2. The development would result in harm to the setting of a designated heritage asset contrary to the provisions of the National Planning Policy Framework; Policies RLP90 and RLP100 of the Braintree District Local Plan Review (2005); Policy CS9 of the Braintree District Core Strategy (2011); and Policies LPP50, LPP55 and LPP60 of the Braintree District Publication Draft Local Plan (2017).
3. Insufficient information has been submitted to adequately demonstrate that a suitable sustainable urban drainage system can be achieved. The proposal is thereby contrary to the provisions of the National Planning Policy Framework; Policy RLP69 of the Braintree District Local Plan Review (2005); Policy CS8 of the Braintree District Core Strategy (2011); and Policies LPP55, LPP78, LPP79 and LPP80 of the Braintree District Publication Draft Local Plan (2017).
4. Insufficient information has been submitted to adequately demonstrate that the development would not adversely impact upon protected species. The proposal is thereby contrary to the provisions of the National Planning Policy Framework; Policies RLP80 and RLP84 of the Braintree District Local Plan Review (2005); Policy CS8 of the Braintree District Core Strategy (2011); and Policies LPP55, LPP68 and LPP71 of the Braintree District Publication Draft Local Plan (2017).
5. Insufficient information has been submitted to adequately demonstrate that the proposal would be acceptable in terms of highway safety and efficiency. The proposal is thereby contrary to Paragraph 109 of the National Planning Policy Framework (2012); Policy CS7 of the Braintree District Core Strategy (2011); and Policy RLP90 of the Braintree District Local Plan Review (2005).
6. Policy CS2 of the Braintree District Core Strategy states that affordable housing will be directly provided by the developer within housing schemes. Policies CS10 and CS11 of the Core Strategy and Policy RLP138 of the Local Plan Review require proposals for new residential development to provide, or



contribute towards the cost of improvements to community facilities and infrastructure appropriate to the type and scale of development proposed.

Braintree District Council has adopted an Open Space Supplementary Planning Document (SPD) which sets out the process and mechanisms for the delivery and improvement of open space in the Braintree District. These requirements would need to be secured through a Section 106 Agreement. In the absence of an obligation, the proposal would conflict with the Development Plan as regards:-

- The provision of affordable housing
- A financial contribution towards the provision / improvement of Public Open Space

The proposed development triggers the need for these obligations. As such the proposal is contrary to the above policies and adopted SPD.

Councillor Mrs Diane Wallace, representing Hatfield Peverel Parish Council, attended the meeting and spoke against this application.

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<b><u>Plan No.</u></b>	<b><u>Location</u></b>	<b><u>Applicant(s)</u></b>	<b><u>Proposed Development</u></b>
*18/02118/FUL (REFUSED) (Review)	Wethersfield	Wethersfield Developments Ltd	Erection of 5, two-bedroom, one and a half storey dwellings with associated infrastructure, land West of The Old Coach House, Silver Street.

It was reported that this planning application had been refused by the Planning Committee on 19th February 2019. The Agenda report for that meeting stated that, based on the 2018 Annual Monitoring Report, the Council could demonstrate a Housing Land Supply of 6.00 years. However, Officers reported verbally at the meeting that there had been a material change to the Council's 5 Year Housing Land Supply position since the publication of the Agenda. This related to the Government's response to consultation on National Planning Policy and Guidance, which required 2014 based household projections to be used to calculate the Housing Land Supply in accordance with the Government's Standard Methodology. This meant that the Council's 5 Year Housing Land Supply position had decreased from 6.00 years to 4.74 years. The Committee's decision on the application had been made on the basis that the Council could not demonstrate a 5 Year Housing Land Supply and that the presumption contained in paragraph 11 of the National Planning Policy Framework was engaged.

However, it was reported that there had been a further material change in circumstances, which related to the Government's publication of the 2018 Housing

Delivery Test results. This meant that the Council's recalculated 5 Year Housing Land Supply was 5.42 years, as at 31st March 2018. In the circumstances, it was considered prudent for the Planning Committee to review its decision on application no. 18/02118/FUL.

The Committee refused this application for the following Reasons:-

#### Reasons for Refusal

1. The siting, layout, design and bulk form of the proposal would result in a cramped form of development that is harmful to both the character and appearance of the locality and the amenity of neighbouring dwellings and prospective occupiers of the proposed dwellings. The proposal is contrary to the National Planning Policy Framework; Policies RLP2, RLP9, RLP10 and RLP90 of the Braintree District Local Plan Review; Policies CS8 and CS9 of the Braintree District Core Strategy; and Policies LPP1, LPP50 and LPP55 of the Braintree District Publication Draft Local Plan.
2. Policy CS2 of the Braintree District Core Strategy states that affordable housing will be directly provided by the developer within housing schemes. Policies CS10 and CS11 of the Core Strategy and Policy RLP138 of the Local Plan Review require proposals for new residential development to provide, or contribute towards the cost of improvements to community facilities and infrastructure appropriate to the type and scale of development proposed. Braintree District Council has adopted an Open Space Supplementary Planning Document (SPD) which sets out the process and mechanisms for the delivery and improvement of open space in the Braintree District. These requirements would need to be secured through a Section 106 Agreement. In the absence of an obligation, the proposal would conflict with the Development Plan as regards:
  - the provision of affordable housing
  - a financial contribution towards the provision / improvement of Public Open SpaceThe proposed development triggers the need for these obligations when considered cumulatively with the adjacent development (planning application reference 17/02253/FUL).

As such the proposal is contrary to the above policies and adopted SPD.

Councillor John Barker, representing Wethersfield Parish Council, attended the meeting and spoke against this application.

PLEASE NOTE: The full list of standard conditions and reasons can be viewed at the office of the Planning Development Manager, Council Offices, Causeway House, Bocking End, Braintree, Essex CM7 9HB.

(Where applications are marked with an \* this denotes that representations were received and considered by the Committee).

The meeting closed at 7.57pm.

Councillor Mrs W Scattergood  
(Chairman)